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WAR FOOD ADMINISTRATION  
Office of Distribution  
Washington 25, D. C.

October 11, 1944

Regional Representatives of Office of Distribution  
Members of State Colleges of Agriculture  
Members of State Departments of Agriculture  
State Supervisors of Agricultural Education

Gentlemen:

The enclosed report on the use of egg grades and related marketing problems was prepared by Professor H. E. Botsford following a series of conferences with State Department of Agriculture officials and State College of Agriculture and industry representatives in each of the 48 States.

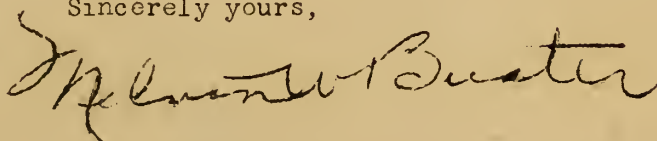
We trust you will be interested in this summary of pertinent facts concerning State laws and regulations and in the observations and suggestions which have been incorporated in this report.

Your reactions and suggestions with respect to the practicability and desirability of establishing greater uniformity in the use of egg grades, terminology, and standards of quality for individual eggs will be appreciated.

An expression as to the possibilities of attaining these objectives through a coordinated national marketing program would also be welcome. It is our purpose to cooperate with State officials and industry representatives in every practical manner to develop greater efficiency in the production and marketing of eggs and poultry products.

A supplementary report on certain aspects of information developed during Professor Botsford's conferences is now being prepared and will be forwarded to you for your consideration within the near future.

Sincerely yours,



Melvin W. Buster, Chief  
Market Standards & Facilities Section  
Poultry Products Division  
Dairy and Poultry Branch

Enclosure

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WAR FOOD ADMINISTRATION  
Office of Distribution

EGG GRADES AND REGULATIONS IN THE UNITED STATES

Report on egg marketing conferences, with State regulatory  
and educational officials, February 24 - August 19, 1944

H. E. Botsford, Marketing Specialist, Dairy and Poultry Branch

Wartime needs have focused attention on the tremendous importance of eggs in commerce, from producers to consumers. Many States have sponsored egg grading for years, with varying degree of success -- measured in terms of compliance with grading regulations and consumer satisfaction. Much interest still exists in the entire problem and recently there has been a renewed interest in connection with greater national unity regarding egg grades and their application in the States.

Survey on National Use of Egg Grades

It was believed desirable to study the use and adaptability of egg grades throughout the United States in the hope that such a study might lead to the development of constructive ideas for stabilizing and unifying all effort connected with eggs in commerce. Consequently, the Dairy and Poultry Branch of the Office of Distribution of the War Food Administration undertook the job of obtaining information pertaining to grading and selling eggs in each State. Conferences were held, in each State, with representatives from the State Department of Agriculture, State Bureau of Markets, State Board of Health, Federal and State grading and inspection personnel, State college of agriculture research, marketing and extension groups, and representatives of trade and producer organizations.

The subjects discussed included: (a) Laws and regulations governing the grading of eggs; (b) the extent to which egg grades were used; (c) financing and enforcing inspection operations and the problems involved; (d) how each State establishes egg grades or changes existing legislation; (e) educational programs related to the use of egg grades; (f) reactions toward the use of national uniform egg grades; and (g) opinions concerning a Nation-wide egg quality improvement and marketing program.

In each of these State conferences, there was a sincere interest and willingness to freely discuss the egg marketing situation.

State Egg Grading Legislation

Practically all State legislation concerning eggs has as its chief purpose the protection of one or more groups involved in producing, distributing, or consuming eggs. For example, certain States have passed a "candling law" which requires all eggs to be purchased "loss off," that is, no inedible eggs can be purchased by anyone, whether from producers, dealers, or retailers. Such legislation is designed to protect the general public, reduce economic loss, and stimulate better care of eggs. To protect the seller of eggs in many of these States a "regulation of traffic" law is set up which prohibits docking the seller for more inedible eggs than are actually found. Hence, one regulation is designed to protect against overzealous use of the other.

The simplest and most commonly used State regulation is that which prohibits the sale of inedible eggs at retail. In a few States it is the only mandatory regulation pertaining to egg marketing and is, of course, a protective measure.



## Variations in Existing Egg Legislation

Innumerable variations exist in State egg laws, rules, and regulations. Some of these are briefly summarized in the following paragraphs:

### Retail Egg Grades

Thirty-five States have from one to four retail egg grades. In eight States, labeling, according to four grades, is mandatory for all eggs sold at retail. One State, New York, having four mandatory retail egg grades, permits any edible eggs to be sold as Grade C, including undergrades of all sizes. Another State, Minnesota, permits the voluntary use of individual registered brand names, which are registered with the State, for cartoned eggs which must conform to quality standards set up by the owner of the brand name.

In seven States, voluntary grade labeling is provided but it is mandatory that eggs, when so labeled, shall conform to the quality standards designated. Eight States require that all eggs to be sold must be labeled either with a grade designation or marked "Ungraded" and one State in this group, California, prohibits the sale of Grade C eggs at retail.

Twelve States have "Fresh" egg laws. In these States it is mandatory that such eggs as are labeled "Fresh" shall conform to Grade A standards of quality, which standards are based on one of the Tentative U. S. Standards of Quality for Individual Shell Eggs, developed by the U. S. Department of Agriculture. These States place no restrictions on grade names used for lower qualities so long as they do not infer freshness.

Three States, Illinois, Michigan, and Mississippi, permit the word "Fresh" to be used on Grade B qualities, although Illinois calls this quality Grade C.

In one State, Colorado, one of the most practical approaches to retail grade specification is demonstrated in a regulation which prohibits the use of words other than the grade names, since quality is the important consideration and other descriptive words are regarded as superfluous.

### Standards of Quality for Individual Eggs

Thirty-one States use all or a portion of the U. S. Standards of Quality for Individual Shell Eggs in establishing their egg grades.

The tentative standards of quality most widely represented in these States are those issued in 1925, although nine States used those approved March 3, 1933, and eight States those made effective January 2, 1943.

In one State the standards of quality specified for the State grades represent a combination of the U. S. Standards of Quality and those developed within the State, while two States, with one egg grade each, have originated standards of quality entirely their own. Peculiarly enough, one State has not established standards of quality for its fresh egg law. Another State, having recently established grades, has not yet made its standards of quality known.

Weight and Tolerance provisions in the State grades are quite inconsistent in many instances. For example, seven States have adopted Federal weight specifications for all egg grades, 18 have adopted them for large-sized eggs, and 17 for eggs of medium size, while two others provide lighter weights for qualities lower than Grade A. The heavier minimum weights for Large and Medium sizes prevail generally in States east of the Mississippi River.

The range in weights for various sizes of eggs as they exist in the States at the present time are presented in the following table:

	<u>Average weight per dozen</u>	<u>Minimum weight per dozen</u>
Large	24 ounces	23 ounces
	23 ounces	22 ounces
Medium	21 ounces	20 ounces
	20 ounces	19 ounces
Pullet	19 ounces	18 ounces
	18 ounces	18 ounces
Small	20 $\frac{1}{2}$ ounces	No minimum
	16 ounces	15 ounces
Pee wee	Below an av. of 19 ounces Below 15 ounces	

Variations in weights and tolerance are shown in No. 2 attached.

### Labeling

Many of the State laws and regulations reveal the fact that there is still an association of the term "storage eggs" with something that is undesirable. This idea is more prevalent in the eastern part of the United States and in the North Central States. Seventeen States make the labeling of storage eggs mandatory but six of these States are making no attempt to enforce the regulation. One State requires it on the wholesale invoice only.

In several States the measure is still regarded as one of health, and enforcement is entrusted to the Board of Health. Many of the officials regard the storage-egg-labeling requirement as one which can be easily violated, and these officials are receptive to meeting the problem on a quality basis to be strictly enforced. One State, however, in the interest of protection to consumers requires that all storage eggs offered for sale shall have the word "storage" stamped on the shell of each egg. Little effort is being made to enforce it.

Regulations are numerous which attempt to identify eggs as to quality based on the number of days the eggs have been kept under various holding conditions, the age of the eggs as measured in days or hours, and the temperature to which the eggs have been subjected.

Foreign and "Out of State" egg regulations prevail in eight States. Four of these States legislate against "Out of State" eggs only, three against eggs from foreign countries only, and one State regulates for both of these points of origin.

To protect consumers three general regulations governing "State of origin" prevail: (a) Eggs must be candled, graded, packed, and sold only in originally sealed 1-dozen cartons, labeled "Out of State;" (b) eggs must be sold to consumers from the original container; and (c) each egg from another State must be stamped "shipped." In addition one State requires cases of local eggs to be labeled with the State name.

In dealing with Foreign eggs the following regulations were noted:

(a) Cases or containers in which eggs are shipped must be labeled "Foreign eggs" or "Eggs" preceded by the name of the country in 2-inch high letters: (b) Foreign eggs may be sold only from original containers and consumers must be informed that the eggs are of foreign origin. (c) Restaurants, hotels, and the like using foreign eggs must display a sign stating "We use foreign eggs." Two States require the sign to be made of 4-inch high letters, and one State requires letters 2 inches high. (d) Stores selling imported eggs and other goods must place a sign 4 feet long by 8 inches wide in the store stating that foreign goods are being sold. (e) All foreign eggs sold in the State must have stamped on the shell of each egg in indelible ink "From" followed by the name of the country.

State officials agree generally that egg quality is more important to the consumer than is the particular State in which the egg was produced or the particular method of treatment given to the eggs.

Interesting comments are that "eggs from any section are welcome so long as they are truthfully labeled and sold on grade," and "the greater number of better qualities thus provided has aided local State producers by helping uncover a large potential demand."

Many officials regard the labeling requirements referred to in previous paragraphs as ones which can be easily violated and are receptive to meeting the problem on the basis of graded quality and strict enforcement of grade requirements without regard to age, handling conditions, or place of origin.

#### Enforcement

Nearly all State officials agree that enforcement of requirements for retail egg grades is the most logical place to begin with egg legislation. It was also their opinion that keen competition and the semi-perishable nature of eggs require a consistent and persistent enforcement procedure if the value of egg-grading work is to be realized.

In 16 States officials readily admitted that no attempt has been made to enforce the egg legislation on their statute books. Many of the regulations are so written as to be difficult and practically impossible to enforce; in others there are no egg grades and interest in the regulations applying to labeling of eggs, as storage or a particular State of origin, has gradually disappeared. (One State with one undefined grade pronounced the law unworkable and unenforceable.)

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In several States a mandatory ruling against selling inedibles is a Board of Health responsibility and is only slightly enforced or not at all. In most States, however, egg legislation is part of the State marketing regulations and is enforced by the regular State egg inspectors.



In nine States an adequate force of full-time inspectors is employed. One State has five full-time and three part-time inspectors who make several inspections annually of 3,500 retail stores and restaurants. In another State, 20 to 30 inspectors plan to make at least one annual inspection for the benefit of each 500 inhabitants of each city or community. Three States depend on a large number of inspectors working jointly in the regulatory field on the inspection of eggs and other food products. (a) One of these States has 40 food inspectors -- one for each district. (b) The second State has 7 field and 12 dairy and food inspectors who assist with egg-inspection work. These 19 inspectors are aided by 34 licensed egg graders, from numerous plants, who circulate through the markets in their section of the State and report on the condition of the eggs at retail. (c) The third State has the equivalent of 40 full-time retail egg grade inspectors.

### Financing

Adequate funds, as well as grading and inspection personnel for the enforcement of existing egg legislation, were found in but a few of the States. In 21 States funds are provided by direct State appropriation while in other States, funds are obtained entirely or in part through registration or license fees, or through the sale of stamps which must be placed on egg cases and cartons, or no provision had been made.

### Education

Results in the different States indicate that egg grades properly established and available must precede education of the public, from producers to consumers, if the full significance of education is to be of value.

Representatives of the packing interests remarked at several of the conferences that when the demand for better packs of eggs came to them from the consumers they would meet the demand. This cooperation from the egg packers, it was agreed, could be utilized more quickly by establishing and enforcing retail egg grades, thus making it possible for consumers to express their desires.

Educational material has been prepared by nearly every State on the subjects of egg quality and grading. These contributions consist of circulars, bulletins, posters, lantern slides in color and in black and white, moving pictures, organized egg quality programs in certain States, demonstrations, radio talks, and lectures.

A statement by one poultry extension specialist in a State lacking retail egg grades expressed the idea of others in a like position: "It is difficult to make progress in any educational program on egg quality, since selling eggs on grade is very limited in our State." This State has no State grades and the use of the Federal-State grading program is voluntary.

### General Conclusions

From the foregoing information it may be concluded that many of the regulations established to govern egg merchandising fail to accomplish their purpose and consumers are often inadequately protected. It is evident and generally agreed that a better understanding of the fundamental relationships will be helpful to many who are responsible for formulating egg grading laws and regulations.

Eggs are recognized as a household necessity and a nutritional food placed on the breakfast tables of the Nation, by choice. Many consumers, however, are forced to buy eggs of unknown qualities and even inedibles or rots because they do not have the protection that retail egg grades properly enforced should provide. This, many agree, is the most important single factor working against a greater consumption of eggs.

It is quite apparent that improvement in quality and marketing methods has proceeded steadily in several States where well-enforced, practical, and reasonable egg laws exist. In each of these States the success attained could be directly traced to the establishment of egg grades which have their basis in the U. S. Standards of Quality established for Individual Shell Eggs.

In order to present the existing variations in State egg legislation in more detail six summaries of the various subjects involved are presented and included with this report. They include:

1. Types of egg laws in the United States in 1944.
2. Range in weight of graded eggs sold at retail in the U. S.
3. Requirements in egg laws of various States which are discriminatory, of questionable value, difficult, or impossible to enforce.
4. Practical suggestions for consideration in formulating State retail egg laws, rules and regulations.
5. State comments concerning national uniform grades.
6. State reactions concerning a national egg quality improvement program.

(1) ANALYSIS OF EGG GRADING LAWS IN THE U.S.  
48 STATES INVOLVED

1944

Summary of the State Egg Regulations

GRADING

No State egg grades - 13 States

"Fresh" egg law as the main law - 14 States limit "Fresh" or words of similar import to definite qualities.

Compulsory retail egg grades - 8 States

Voluntary retail egg grades - 7 States. Two of these (Connecticut and Indiana) place emphasis on the "Fresh" egg law.

All eggs labeled according to grade or marked "Ungraded," "Unclassified," "Assorted," or "Eggs"

1. At retail - 7 States
2. To retailers but not to consumers - 1 State

## INEDIBLE EGGS

The sale of inedible eggs at retail is prohibited in 36 States. In eight States eggs are considered as inedible when they have been in an incubator although the length of time varies.

Incubator infertiles are permitted to be retailed according to grade in 6 States. No mention of incubator infertiles is given in the egg regulations of 21 States. It may be assumed that incubator infertiles in these States may be retailed under the quality grades prevailing in the respective States.

### Candling Law

Dealing in inedible eggs is prohibited in 16 States. These States have attempted to control the problem of inedibles by requiring all eggs to be candled and inedibles removed before sale at any time within the State.

## ORIGIN

"Foreign" eggs - In 4 States, eggs originating from foreign countries are required to be marked "Foreign." One State exempts eggs from Canada and Mexico.

State of Origin - In 5 States, eggs produced in another State are required to be labeled with the name of the State of origin or marked "Shipped." One of these States also requires eggs produced within the State to be labeled with the State name.

In 12 States, "Preserved" or "Processed" eggs must be labeled, but one of these States requires labeling only in those instances where the word "Fresh" or words of similar import are used to describe the eggs.

## SIZE

In 18 States, the size of the eggs is required to be shown when the price and the grade is mentioned in advertising or when reference to quality is made when they are offered for sale at retail.

## COLD STORAGE REGULATIONS

In 17 States, eggs which have been in storage must be so labeled when sold at retail.



TYPES OF EGG GRADING LAWS IN THE U.S.,  
BY STATES, 48 STATES INVOLVED 1/

1944

Details of the Summary

No State egg grades - 13 States

Arkansas	Oklahoma
Idaho	South Dakota
Kansas	South Carolina
Kentucky	Tennessee
Missouri	Texas
Nebraska	Virginia <u>2/</u>
New Mexico	

Fresh egg law as the main law - 14 States (If "Fresh" or words of similar import are used, the quality must conform to Grade A Standards of Quality)

Alabama (not enforced)	Maryland
Arizona	New Jersey
Connecticut	New Hampshire
Delaware (not enforced)	Pennsylvania
Indiana	Rhode Island
Maine	Vermont
Massachusetts	West Virginia

Compulsory Retail Grades - 8 States (All eggs sold at retail must be labeled with the grade)

Colorado	New York
Georgia (not enforced)	Oregon
Montana	Utah
Nevada (not enforced)	Washington

Voluntary Retail Grades - 7 States (If grades are used they must conform to standards provided)

Connecticut (below Fresh, voluntary)	Michigan
Illinois	Minnesota
Indiana (below Fresh, voluntary and not enforced)	North Dakota (not enforced)
Iowa	

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1/ Louisiana has recently passed an egg grading law. Details of this law are not available, 9/4/44.

2/ Operates under an optional Federal-State agreement.



All eggs must be labeled according to grade or marked as "not graded" - 8 States

1. At retail

California (others, "ungraded")	Ohio (others, "ungraded,"
Florida (others, as "unclassified")	"assorted," or "unclassified")
Mississippi (others, as "Eggs")	Wisconsin (others, "ungraded")
North Carolina (others, "ungraded,"	Wyoming (not enforced)
not enforced)	

2. To retailers but not consumers

West Virginia (others as "unclassified")

Incubator eggs required to be labeled when sold at retail - 6 States

California	Michigan
Connecticut	Oregon (not enforced)
Iowa	West Virginia (not well enforced) <sup>3/</sup>

Labeling of eggs from foreign countries - 4 States require that customers be informed that Foreign eggs are on sale.

Arizona (except Canada or Mexico)	Montana
Oregon	Washington

"State of Origin" - 5 States require that purchasers be informed that eggs offered are from other States.

Florida (including Florida optional	Montana
Georgia (not enforced)	South Carolina ("shipped" or
	"S.C." - not enforced)
	Wyoming (not enforced)

"Preserved" or "Processed" eggs required to be labeled at wholesale or retail - 12 States

Alabama (not enforced)	New York (required only if
Connecticut	"Fresh" is also used)
Georgia (not enforced)	Rhode Island
Iowa (not well enforced)	South Dakota (not enforced)
Massachusetts	Vermont
North Dakota (not enforced)	West Virginia (not well enforced)
	Wyoming (required to be labeled
	"Storage" (not enforced)

<sup>3/</sup> The status of enforcement indicated was given during the conferences. The degree of enforcement is not necessarily comparative between States. It represents the opinion of individuals who considered only the work in their State.

"Size" must be indicated to the consumer - 18 States

Arizona	Maine	Oregon
California	Massachusetts	Rhode Island
Colorado (with Grade AA and A only)	Michigan	Vermont
Connecticut	Montana	Utah
Georgia (not enforced)	New Hampshire	Washington
Indiana (with Grade AA and A only)	New York	
	Ohio	

Storage Labeling required at wholesale or retail - 17 States

Alabama (not enforced)	New York (on Wholesale Invoice if in storage over 30 days)
Arizona	North Dakota (not enforced)
Connecticut	Rhode Island
Georgia (not enforced)	South Carolina (not enforced)
Iowa (not well enforced)	South Dakota (not enforced)
Kentucky (not well enforced)	Virginia
Massachusetts	West Virginia (not well enforced)
Maryland (not well enforced)	Wyoming (includes any preserved eggs) (not enforced)
New Jersey	

Candling law prohibiting dealing in inedibles - 16 States

Illinois <u>4/</u>	North Dakota <u>7/</u> (not enforced)
Iowa <u>4/</u> (not well enforced)	New Mexico <u>8/</u> (not well enforced)
Kansas <u>5/</u> (not well enforced)	Oklahoma <u>4/</u> (not enforced)
Kentucky <u>4/</u> (not well enforced)	Ohio <u>6/</u>
Maryland (not enforced)	South Dakota (not enforced)
Minnesota <u>6/</u> (not well enforced)	Tennessee <u>4/</u> (not enforced)
Missouri <u>6/</u> (not well enforced)	West Virginia <u>4/</u> (not enforced)
Nebraska (not well enforced)	Wisconsin <u>6/</u>

Inedible egg sales at retail prohibited - 36 States

Alabama <u>9/</u> (not enforced)	Kentucky <u>9/</u> (not well enforced)
Arizona <u>9/</u>	Maryland <u>9/</u> (not well enforced)
Arkansas <u>9/</u> (not enforced)	Michigan <u>11/</u>
California <u>11/</u>	Minnesota <u>10/</u> (not well enforced)
Colorado <u>9/</u>	Missouri <u>10/</u> (not well enforced)
Connecticut <u>11/</u>	Montana <u>10/</u>
Delaware <u>9/</u> (not enforced)	Nebraska <u>9/</u> (not well enforced)
Florida <u>9/</u>	New Jersey <u>10/</u>
Illinois <u>9/</u>	North Dakota <u>9/</u> (not enforced)
Iowa <u>11/</u> (not well enforced)	New Mexico <u>10/</u> (not well enforced)
Indiana <u>9/</u>	New York <u>9/</u>
Kansas (not well enforced)	Ohio <u>10/</u>

4/ Includes eggs incubated beyond the blood ring stage.

5/ Includes blood rings.

6/ Includes eggs which have been in an incubator.

7/ Includes eggs incubated into or beyond the blood ring stage.

8/ Includes eggs heated for hatching or for any purpose whatsoever.

(See additional footnotes on following page.)

Oklahoma 9/ (not enforced)  
Oregon 11/  
Rhode Island 9/  
South Dakota 12/ (not enforced)  
Texas 9/ (not enforced)  
Tennessee 9/ (not enforced)

Utah 9/ (not well enforced)  
Virginia 9/  
Washington 10/  
West Virginia 11/ (not well enforced)  
Wisconsin 10/  
Wyoming 9/ (not enforced)

Use by States of U.S. Standards of Quality  
for Individual Eggs in Formulating Grades

- a. Seventeen States use the tentative 1925 U.S. Standards for Individual Shell Eggs in all or part of their grade descriptions.

California  
Colorado  
Illinois  
Iowa  
Maryland  
Maine  
Massachusetts  
New Jersey

New York  
Nevada  
North Dakota  
Rhode Island  
Utah  
Vermont  
Washington  
West Virginia

Wisconsin

- b. Nine States use the approved 1933 U.S. Standards for Individual Shell Eggs in all or part of the grade descriptions.

Georgia  
Illinois  
Maine  
Maryland

New Hampshire  
Oregon  
Pennsylvania  
Utah

Minnesota

- c. Eight States use the U.S. Standards for Individual Shell Eggs effective January 2, 1943 entirely in their grades. 13/

Connecticut  
Florida  
Indiana  
Michigan

Mississippi  
Montana  
North Carolina  
Ohio

- d. Five States have used terms of their own in describing their grades, or have not specified the standards in use at the time of this report.

Alabama  
Arizona

Louisiana  
Wyoming

Delaware

- 9/ Do not mention incubator infertiles.  
10/ Consider eggs which have been incubated as inedible. The time incubated may differ.  
11/ Permit incubator infertiles to be retailed under grade but labeled as such. (California cannot sell incubator eggs as "Ungraded")  
12/ No record concerning incubator eggs.  
13/ Virginia operates entirely under Federal-State Agreement.



(2) Table 1.-Range in weight for eggs in dozen lots showing average weight per dozen and minimum weight per egg at the dozen rate and the number of States

Jumbo Size		:	Pullet Size	
Average weight per dozen	No. States	:	Average weight per dozen	No. States
28 oz. minimum 27 oz.	6	:	19 oz. minimum 18 oz.	3
		:	19 oz. minimum 17 oz.	1
		:	18 oz. minimum 18 oz.	1
		:		
Extra Large Size		:	Small Size	
27 oz. minimum 26 oz.	2	:	Below 20 $\frac{1}{2}$ oz. no minimum	1 $\frac{1}{/}$
26 oz. minimum 25 oz.	8	:	20 oz. minimum 19 oz.	1 $\frac{2}{/}$
26 oz. minimum per egg 2 oz.	1	:	20 oz. minimum 18 oz.	1 $\frac{3}{/}$
		:	20 oz. minimum 17 oz.	1 $\frac{4}{/}$
		:	18 oz. minimum 17 oz.	2
		:	18 oz. minimum 15 oz.	9
		:	17 $\frac{1}{2}$ oz. minimum 15 oz.	1
		:	17 oz. not over 20 oz.	2
		:	17 oz. minimum 15 oz.	5
		:	17 oz. no minimum	1
		:	16 oz. min. per egg 1.25 oz.	1
		:	16 oz. minimum 15 oz.	2 $\frac{5}{/}$
		:		
Large Size		:	Pee wee Size	
24 oz. minimum 23 oz.	18 $\frac{2}{/}$	:	Below av. of 19 oz.	1
24 oz. no minimum	3 $\frac{1}{/}$	:	Below 18 oz.	3
24 oz. minimum 22 oz.	7	:	Below 15 oz.	2 $\frac{5}{/}$
24 oz. min. per egg 1.83 oz.	1	:		
23 $\frac{1}{2}$ oz. minimum 22 oz.	2 $\frac{5}{/}$	:		
23 oz. minimum 22 oz.	1 $\frac{3}{/}$	:		
23 oz. minimum 20 oz.	1 $\frac{4}{/}$	:		
		:		
Medium Size		:	Very Small Size	
21 oz. minimum 20 oz.	17	:	Below 17 oz.	1
20 $\frac{1}{2}$ oz. minimum 19 oz.	5	:		
21 oz. no minimum	1	:		
20 $\frac{1}{2}$ oz. no minimum	2 $\frac{1}{/}$	:		
20 oz. and not over 24 oz.	1	:		
20 oz. min. per egg 1.5 oz.	1	:		
20 oz. minimum 19 oz.	2 $\frac{5}{/}$	:		

1/ One State requires variation in size between the largest and smallest eggs in a dozen limited to 2/8 oz.

2/ One State requires this weight for Grade A but permits a lower weight for Grade B.

3/ Permitted in Grade B only.

4/ Permitted in Trade or Grade C only.

5/ One State requires variation in size between the largest and smallest eggs in a dozen limited to 3/8 oz.



Table 2.- Tolerance in Weight Permitted Per Dozen Eggs  
at Retail and the Number of States.

Tolerance	Number of States
No eggs below the minimum weights per egg allowed for the dozen	23
Two eggs of the next lower weight class when size and not quality are given. If both size and quality are stated the total tolerance for both must not ex- ceed two eggs per dozen.	2
Two eggs per dozen of the next lower size.	2
2/8 oz. variation between individual eggs in a dozen	1
3/8 oz. variation between individual eggs in a dozen	1
Two eggs only below average weight and not below minimum	1
Large 4% of 22 oz. eggs ) Medium 4% of 19 oz. eggs ) Pullets 4% of 16 oz. eggs)	1
Large 1 egg at 22 oz. rate) Medium 1 egg at 19 oz. rate) Pullet 1 egg at 17 oz. rate)	1
10% below weight requirements	1

(3) REQUIREMENTS IN EGG LAWS OF VARIOUS STATES WHICH ARE DISCRIMINATORY, OR  
OF QUESTIONABLE VALUE AND DIFFICULT OR IMPOSSIBLE TO ENFORCE

Taken from State Egg Laws 1944

1. State of origin must be stamped on cases.
2. Bulk lots of eggs or containers of oil-dipped eggs must be labeled "Processed," "Shell treated," or "Preserved eggs", depending on the State laws or regulation.
3. Containers of storage eggs must be so labeled when the eggs are placed on sale at retail.
4. All "foreign eggs," sold, offered, or exposed for sale in the State must have stamped on each egg in legible type and in indelible ink the words "From \_\_\_\_\_" and the name of the country where produced.
5. The word "Shipped" must be stamped with indelible ink in letters  $\frac{1}{4}$ -inch high, on the shell of each egg from out of the State.
6. The word "Storage" must be stamped in indelible ink in letters  $\frac{1}{4}$ -inch high, on the shell of each egg which has been subject to artificial refrigeration for any length of time whatsoever and which is offered for sale in the State.
7. Containers of storage eggs must be so marked when it is shown by chemical analysis that eggs are deteriorating. The method or degree of deterioration is not stated.
8. "Foreign eggs" or "State eggs" in 2-inch letters must be stamped on all containers of eggs from other States or foreign countries.
9. Eggs may be labeled "Fresh" when they are 5 days old or less.
10. Eggs may be labeled "Fresh" when they have been in storage less than 45 days and are of Grade A or better quality.
11. Eggs may be marked "Fresh" when they are sound, sweet, clean, and full and there are not over 2.5 milligrams of  $\text{NH}_3$  per 100 grams of eggs.
12. Eggs may be labeled "Fresh" if they are less than 14 days old and are of the quality of U.S. Grade A.
13. Eggs may be called "Special No. 1" if they are less than 72 hours old and of the quality of U.S. Grade A.
14. Eggs must be labeled "Held" if they are over 5 days old and have not been in storage.
15. Inedible eggs. It shall be unlawful to pay for eggs unfit for human food. This law is difficult to enforce at producer and wholesale levels. If it is incorporated in a retail egg law and enforced it will be effective through all the channels of trade.

16. Inedible eggs include eggs which have been heated for hatching or for any purpose whatsoever.
17. Incubator eggs are eggs which have been in an incubator and they are unfit for human consumption.
18. Incubator eggs are inedible if they have been in an incubator 48 hours.
19. Incubated eggs are eggs incubated over 48 hours. It shall be unlawful to transport or sell, offer for sale, or advertise for sale, incubated eggs in the shell unless each egg has imprinted on the shell in letters at least 3/16-inch high in indelible ink the word "Incubated."
20. A dealer may sell eggs to a wholesaler or breaker 4 days after the date shown on the candling certificate without recandling providing eggs have been held at a temperature below 68° F.
21. A wholesaler or retailer may sell candled eggs without recandling 6 days after date on the candling certificate provided that eggs have been held at a temperature below 68° F.
22. Eggs must be held at a temperature of 60° F. within 48 hours after purchasing during the period from May to September, and within 72 hours after purchasing for the balance of the year.
23. Dealers are required to register their brand and the quality they select to comprise the brand. Federal standards are urged but applicant may indicate any specification he desires. The law holds him accountable, if his brand fails to meet the specifications the applicant has established.

(4) SUGGESTIONS FOR CONSIDERATION IN FORMULATING STATE  
RETAIL EGG LAWS, RULES, AND REGULATIONS

The primary object of laws, rules, regulations <sup>14/</sup> and grades is to obtain greater efficiency in marketing. Properly enacted and regulated, they should permit consumers to select and purchase the qualities they prefer. These preferences by normal marketing procedures should reflect back through marketing channels to producers.

SUGGESTIONS

Each item in the rules and regulations governing the merchandising of eggs in a State should be considered from at least two angles:

1. Is the regulation necessary and reasonable?
2. Can the regulation be enforced?

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<sup>14/</sup> No attempt is made to separate laws from regulations since States vary in classifying them.



The regulations should be simple, direct, and enforceable. Care should be taken to avoid unenforceable provisions in either egg laws or regulations pertaining to it. Their purpose should be to obtain compliance with concise, clear, honest, and fair regulations.

A. Delegate authority in the State law to some agency such as the State Department of Agriculture to establish grades for egg and poultry products and to make such regulations as may be necessary to carry out the provisions of the act.

B. Provide funds for enforcing the law.

In general there are three methods in use at present:

1. By State appropriation which permits more time to be devoted to educational and enforcement work.

Several States and Canada depend only upon an appropriation.

2. By sale of license, permits, or registration fees.

3. By sale of seals or stamps.

C. Indicate the parts of the State law that are mandatory.

D. Prohibit the sale at retail of inedibles.

E. Include a statement that the quality factors of condition of air cell, of yolk, of white, and of soundness of shell will be determined by candling.

F. Prohibit misrepresentation of quality to consumers by identifying, advertising, designating, or describing eggs as to quality or size unless such words fully meet the standards of the egg in question.

G. Require both quality and size to be specified in all advertising of eggs offered for sale at a given price unless they are to be sold as "ungraded."

H. Require labeling of size and quality on packages or in bulk lots of eggs offered for retail sale unless sold as "ungraded."

I. Specify the size of lettering required for labeling size and quality used on packages or in bulk lots of eggs offered for sale.

J. Provide for the agency authorized to enforce the act, or its employees or agents to enter on any business day, during the usual hours of business, any store, market, or other building or place where eggs are sold or offered for sale and to make such examination as is necessary to determine the quality and size of eggs sold or offered for sale.

K. State the tolerance permitted per dozen eggs sold at retail for quality and size. Tolerance should be provided to allow for:

a. Errors in human judgment; and

b. Unavoidable changes in egg quality following candling and prior to reaching the consumer.



- L. Undergrades. Provide for the sale of dirties, checks, cracks, and small meat and blood spots, or other edible eggs failing to qualify in the State grades to be sold as "undergrades."
- M. Provide for any exemptions to the act; for example, permit producers to dispose of eggs produced on their own farms directly to consumers.
- N. Provide a statement of the penalty for violation of the act specifying the amount of the fine or fines for the offense, or suspension of license or permit if previously granted.
- O. Provide that a person selling eggs other than those of his own production to a retailer shall furnish to the retailer an invoice prior to or accompanying the delivery of the eggs specifying the applicable retail grade and require the purchaser to keep a copy of the invoice for a specified period of time.
- P. State the grades of eggs and define the standards of quality for individual eggs.
- Q. Require all eggs to be labeled for retail sale, either with the grade or as "ungraded."
- R. State the weights and size of eggs and give the average minimum weight per dozen.
- S. Provide for violations to be prosecuted, by the office of the State's Attorney General or elsewhere, where necessary action is assured.
- T. Shell Treating, Storage, and Incubator Eggs:

In a letter, under date of August 29, 1944, P. H. Dunbar, Commissioner of the Federal Food and Drug Administration states: "Specific formal rulings have not been issued in connection with the enforcement of the Food, Drug, and Cosmetic Act of 1938 on shell treated eggs (eggs dipped in oil), storage eggs, and incubator eggs (infertiles). Accordingly, the general provisions as to adulteration and misbranding of foods apply. .... Misbranding may also occur because of failure to reveal some material facts. ... It must be remembered that the Supreme Court in a sweeping food decision has stressed the ease of compliance with branding requirements by the manufacturer and not the difficulty of enforcement."

In view of the above statement and differences among States in dealing with the problems of shell treating, storage, and incubator eggs, the following ideas are presented. Consideration is needed to determine whether failure to label at retail according to these conditions is actually a handicap to consumers.

Shell treating is one method of maintaining quality in the egg. It has no harmful effects on the egg. It retards evaporation. It does not retard deterioration brought about by high room temperatures. Hence, some shell-treated eggs with very little evaporation may, on breaking out, show weaker albumen than appeared before the candle. Shell treating does not adversely affect the interior quality and is one method employed to assist in holding the original quality. Consequently, there is some question whether labeling shell-treated eggs as such should be required in a State retail egg grading law and thus increase enforcement difficulties.

Storage - The most important single factor in maintaining the original quality in eggs is to hold eggs at low temperature and fairly high humidity. Since eggs cannot be improved from original interior quality, it follows that efforts should be made to keep eggs from losing quality if better eggs are wanted.

There is nothing magical nor harmful in storing eggs. Some loss in quality occurs when eggs are held for long periods. Eggs of high quality stored under proper conditions will grade well weeks or months later. Eggs of low quality when stored will be of still poorer quality when removed from storage. Storage odors are mostly confined to lower qualities of eggs removed from storage.

It has never been demonstrated successfully that storage shell eggs can be distinguished from eggs of comparable quality that have not been stored.

It is possible to grade eggs with reasonable accuracy, even though they have been stored and since a storage law is enforced with difficulty, there is some question whether labeling storage eggs as such should be required in a State retail egg grading law.

Incubator Eggs - Infertile incubator eggs have been subjected to temperatures of about 100°F. The albumen and the vitelline membrane become increasingly weaker the longer eggs are held at these temperatures. Eggs may candle out of a machine within the first few days as Grade B. Infertile eggs held in an incubator for 18 days are weak, of a quality not above Grade C, and likely to break when opened. They may quickly reach the inedible stage after being removed and held under normal conditions.

They are similar to eggs held for long periods elsewhere at high temperatures.

Since incubator infertiles can be candled into their respective grades, and since once removed from the machine and into trade channels eggs of low quality for other reasons cannot be distinguished from incubator infertiles, there is some question whether labeling incubator infertiles as such should be required in a State retail egg grading law.

#### U. Relation between egg quality and egg grades

Efforts are needed to avoid meaningless and unenforceable provisions in egg grading regulations. It is hoped the following discussion will help point out the relation between egg grades and egg quality and thus provide a clearer basis for promulgating regulations that are sound, just, and of benefit to the entire industry.

The grades are terms which indicate the condition of any lot of eggs. Most eggs when new laid are of Grade AA quality regardless of the section of the United States where they are produced. This new laid quality is taken to represent the finest quality or condition of edible eggs.

Age is not necessarily a satisfactory measure of the interior condition, since occasionally hens lay inedible eggs. Furthermore, eggs properly stored in a warehouse several months are sometimes of higher quality than eggs which are only a few days old, but have been held under improper conditions.

As soon as eggs are laid they start on a "journey" from the finest quality toward an inedible product.

This journey is slow or rapid depending on the conditions of temperature, humidity, and handling to which eggs are subjected.

Many of the changes that occur can be reasonably determined by candling. The condition of the shell and the size of the egg are also quality factors.

The "Standard of Quality" of an egg (AA, A, B, etc.) tells what the condition of the egg is at the moment of candling. A combination of eggs of these various "Qualities" make a grade. For example, 10 eggs of Grade A Standard of Quality and 2 eggs of Grade B Standard of Quality make 1 dozen Consumer Grade A eggs in certain States. The two eggs are known as the Tolerance and allow for errors in human judgment in candling and changes in quality after the eggs are candled.

Candling, weighing, and observation of the shell are the best known methods of determining the exterior and interior quality of eggs on the basis of which grades are established.

#### (5) COMMENTS CONCERNING NATIONAL UNIFORM GRADES

Made by State Officials at Conferences during the period  
February 24 - August 19, 1944

Alabama	Unanimously in favor of uniform grades.
Arizona	Would like to see uniform grades and workable laws.
Arkansas	Favor the use of uniform grades.
California	Definite step forward. Would avoid embarrassment in trading.
Colorado	States need to get together on grades.
Connecticut	Must exist in various States. See no objection to their use.
Delaware	Believe uniform grades would be very desirable.
Florida	See advantages. There may be some problems in obtaining dealer acceptance.
Idaho	In favor of using uniform grades.
Indiana	In favor of using uniform grades.
Illinois	In favor of using uniform grades.
Iowa	Favorable. Dealers may question the value.
Kansas	In favor of uniform grades. (If the Federal Government can set up a voluntary plan for grading, packers would be willing to consider the program (McClasky).)



Kentucky	100 percent in favor of uniform grades.
Louisiana	Unanimously in favor of uniform grades.
Maine	Very favorable to uniform grades and standardization...
Maryland	Could do no harm. Think all States should be the same.
Massachusetts	Believe in them. (Skeptical about four grades and the work required.)
Michigan	The goal to reach. In favor of uniform grades.
Minnesota	Country should come to it and talk the same language.
Mississippi	Favor uniformity but suggest minimum number of grades.
Missouri	Favor the use of uniform grades.
Montana	In favor of uniform grades for both retail and wholesale.
Nebraska	Means simplifying egg trading. Have been for uniformity of grades a long time.
New Jersey	Interested but have felt the State is better off to have its own State grades.
Nevada	In favor of uniform grades.
New Hampshire	Would be beneficial. Federal grades are o.k., if producers are rewarded for top quality.
New Mexico	Favorable toward uniform grades.
New York	Unanimously in favor. Should use Federal grades as finally established.
North Dakota	Believe would be an advantage.
North Carolina	Important for country as a whole. Federal standards preferred.
Ohio	Favorable to their use.
Oklahoma	Unanimously in favor of uniformity.
Oregon	If standards are kept high, in favor of uniform grades. Fear reactions of different sections.
Pennsylvania	Favorable toward uniformity.
Rhode Island	advantage to Rhode Island. Favor adoption of U.S. Grades. (One person cautious about the latter.)



South Carolina	More important than ever before.
South Dakota	Would like to have them.
Tennessee	Definitely in favor of uniform grades.
Texas	Unanimously in favor of uniformity. Grades should be the same everywhere.
Virginia	Unanimously in favor of uniformity
Vermont	Favorably inclined to uniform grades but question the use of four grades.
Utah	Means less confusion. Needed for all market trading.
Washington	In favor of uniformity.
West Virginia	Would help marketing work.
Wisconsin	In favor, but definitely want less grades.
Wyoming	Believe uniform grades would be possible and an advantage.

(6) REACTION OF THE STATES TOWARD A NATIONAL EGG  
QUALITY IMPROVEMENT PROGRAM

Made by State Officials at Conferences during the period  
February 24 - August 19, 1944

Alabama	Believe would benefit Alabama.
Arizona	Should be helpful.
Arkansas	Are in favor of a national program.
California	Favorable toward a national program.
Colorado	Needed for uniformity
Connecticut	No objection to a program
Delaware	Interested in a program. Believe the method of approach needs to be carefully thought out.
Idaho	Such an idea is o.k.
Indiana	Are in favor of a national program.
Iowa	Officials would cooperate in such a program.

Kansas	Willing to accept the grade specifications that are set up nationally, but want it administered and any information that goes with it as a State proposition. (McClasky)
Kentucky	Needed to get full benefit of uniform grading work.
Louisiana	In favor of a national program.
Maine	One of the best ways of meeting the poultry situation now and in the post-war period.
Massachusetts	Skeptical about more Federal programs.
Michigan	Interested in a national program.
Minnesota	Interested in a national program.
Mississippi	No disadvantage to Mississippi.
Missouri	Are in favor of a national program.
Nebraska	Desirable.
New Jersey	Interested in the program and where the control would be.
Nevada	The thought appears favorable.
New Hampshire	Interested in any sound program.
New Mexico	Desirable. Wish to be kept informed on the progress of the program
New York	Desirable with more State freedom.
North Dakota	Request opportunity to study such a program.
Ohio	O.k. if retain States rights.
Oklahoma	Unanimously in favor of a program.
Oregon	Would be a good idea.
Pennsylvania	The program is desirable but favor more State freedom with official recognition without payment to the Government.
South Carolina	Would cooperate.
South Dakota	In favor of a national program . . .
Tennessee	Definitely in favor of a national program.
Texas	Unanimously in favor.

Vermont	Skeptical about too much Government control. Prefer to give more responsibility to the State and have less red tape.
Virginia	Unanimously in favor of a national program.
Utah	See the advantage of a general marketing program.
Washington	Such a program appears o.k.
West Virginia	Like to see marketing meetings and schools.
Wyoming	An advantage to the marketing work.

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